

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

v.

YOUSSEE, *et al.*,

Defendants.

Case No. 1:21-cv-01450-JLT-BAM (PC)

ORDER REGARDING DEFENDANTS'
NOTICE OF OPT OUT AND REQUEST TO
VACATE SETTLEMENT CONFERENCE
(ECF No. 53)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING JANUARY 23, 2023
SETTLEMENT CONFERENCE
(ECF No. 49)

ORDER DIRECTING CLERK OF COURT TO
ISSUE DISCOVERY AND SCHEDULING
ORDER

Plaintiff Jamisi Jermaine Calloway ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Y. Rao, Del Pilar, H. Diaz, T. Loar, and H. Smuzynski for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they released Plaintiff from a suicide crisis bed, and against Defendants D. A. Lopez and M. Cuevas for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they failed to intervene during Plaintiff's two suicide attempts. All defendants have answered the complaint. (ECF No. 46.)

1 On November 28, 2022, the Court identified this case as an appropriate case for the post-
2 screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the
3 parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 49.)
4 The Court's order granted Defendants time to investigate and determine whether to opt out of the
5 post-screening ADR project.

6 On December 27, 2022, Defendants filed a notice of opt out and request to vacate the
7 settlement conference. (ECF No. 53.) Therefore, the stay is lifted, and the January 23, 2023,
8 settlement conference is vacated. This case is now ready to proceed.

9 If the parties wish to set a settlement conference with the Court at a later date, they should
10 so inform the Court. However, the parties are also reminded that they are not precluded from
11 negotiating a settlement without judicial assistance.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Defendants' request to vacate settlement conference, (ECF No. 53), is GRANTED;
- 14 2. The stay of this action, (ECF No. 49), is LIFTED;
- 15 3. The January 23, 2023 settlement conference is VACATED;
- 16 4. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order;
17 and
- 18 5. The parties may proceed with discovery pursuant to the discovery and scheduling
19 order to be issued by separate order.

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21 IT IS SO ORDERED.

22 Dated: December 28, 2022

/s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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